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A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

FEBRUARY 1978

VOL. I NO. 3

STATE OF MONTANA

MONTANA LEGISLATIVE COUNCIL

LEGISLATIVE COUNCIL

EXECUTIVE DIRECTOR SELECTION

The Legislative Council met on January 25 and reviewed 36 applications for the position of Executive Director. Four applicants were selected as candidates for the positions scheduled for personal interviews on February 18 by the Council. The new Executive Director will be announced following the interviews with the successful candidate to begin work on April 1. Rosie Vener will be on the staff through April 28.

1979 LEGISLATIVE CONFERENCES

Montana will be hosting two legislative conferences in Helena in 1979. The Five-State Legislative Conference will be held September 9-11, 1979; the Western Conference of the Council of State Governments will be held September 25-26, 1979. Montana legislators are encouraged to keep these dates open and plan to attend.

TOLL-FREE TELEPHONE NUMBERS

The following toll-free telephone numbers are available for your use in reaching various departments in state government:

Gov's. Office, Citizens Advocate	500-332-2272 (2298)
Dept. Health, VD Hot Line	300-332-2211
Dept. Labor, Unem, Employment Insurance	300-332-6143
Dept. Labor, Workers' Compensation	300-332-2274
Dept. Labor, Workers' Comp. Doctors	300-332-6122
State Library	300-332-3430
Public Instruction	300-332-3402 (3414)
Public Instruction	300-332-6117
Dept. Rev., Income Tax Assistance	300-331-5103
Dept. Rev., Liquor Division	300-332-6135
SRS, Data Processing	300-332-6159
SRS, Medical Assistance	300-332-2271

CODE COMMISSIONER

A computer tape containing 15 titles in the proposed new code will be mailed to data retrieval on February 18 and can be ready copy returned two weeks later. A tape containing approximately 10 titles is scheduled to be mailed each 30 days, with the final tape to be mailed in May. Within the month, bids will be let for the printing of the new code.

INTERIM SUBCOMMITTEES

LOCAL GOVERNMENT WORKING DOCUMENT AVAILABLE

The Legislative Council has prepared for distribution to interested legislators and for sale to interested persons the side-by-side comparison of existing Montana local government laws in the Revised Codes of Montana and the proposals contained in the local government code prepared by the State Commission on Local Government Laws, embodied in HB 122. The 2,500 page document is a section by section comparison of HB 122 with the text of existing local government laws. The subcommittee on Local Government Laws and the Legislative Council have agreed to make this working document available to the public at cost. Copies may be purchased from the Legislative Council, State Capitol, Helena, Montana 59601 for \$40.00 each plus mailing costs. One copy of the document will be provided at no cost to each legislator upon request.

LOCAL GOVERNMENT LAWS

The subcommittee on local government laws met in Havre January 14 at its regular monthly meeting to continue a thorough side-by-side comparison of HB 122 and existing local government laws. The subcommittee will meet in Helena on February 17 to complete their review of the proposals in HB 122 before focusing on the recodification of existing local government law at subsequent meetings.

STATE LEGAL SERVICES AND ELECTION LAWS

The subcommittee on legal services and election laws will hold its third meeting on Saturday, February 11, 1978, in the governor's reception room of the capitol in Helena. The subcommittee will review the first draft of a revised election code and will continue its investigation of the status and organizational aspects of attorneys working in and for the executive branch of state government.

EDUCATION SUBCOMMITTEE MET

The third meeting of the Interim Subcommittee on Education was held in Helena on January 21, 1978. The Subcommittee heard staff reports and public testimony on historic records, community college governance, and vocational education governance. The Subcommittee asked its staff researcher to prepare reports on private organizations occupying space in state buildings and discussion models of a state operated vocational education system for the next meeting, scheduled for late March or early April.

COMMITTEE ON
LEGISLATIVE
IMPROVEMENT

The committee, chaired by Senator Stan Stephens, met on January 6 and completed the review of bill deadlines, details of the consent calendar proposal, groupings of standing committees to be used in the committee block scheduling concept -- all modernization of the present system to be considered for implementation during the 1979 legislative session. More detailed information is enclosed for your review and (hopefully) your comments for the committee. The next meeting is scheduled on February 17.

COMMITTEE ON
CONSTITUTIONAL
CONVENTION
PROCEEDINGS

Senator Margaret Warden, Chairman, called a meeting on January 19 when the decision was made to obtain the "master" tapes, compare the tapes with the transcripts prepared by the convention reporter and publish the edited proceedings. The delegate proposals, committee proposals and committee reports have already been entered on the computerized text system. The project date of completion will depend on the amount of time Council staff can devote to it.

MEETING TO
BE HELD

The Subcommittee on subdivisions will meet again on Thursday, February 10 at 9:00 a.m. in room 401 of the Capitol. The members will review the extensive testimony from the Billings and Missoula hearings and will consider how other western states are dealing with similar problems of subdivision review. Also scheduled for this meeting is preliminary consideration of areas of the law needing revision and new legislation.

ADMINISTRATIVE CODE COMMITTEE

MEETING
RESCHEDULED

The Administrative Code Committee meeting, formerly scheduled for February 11, has been rescheduled for February 16 at 11 a.m.

REVENUE OVERSIGHT COMMITTEE

MEETING
HELD
JANUARY 21

The Revenue Oversight Committee met January 21 in Helena. The Department of Revenue presented detailed research on alternate methods of taxing financial institutions, showing the effect on both state revenue and the financial institutions. The Committee requested additional information on several points in the report, in preparation for its later recommendations to the Legislature on the best method of taxing financial institutions. The Committee also considered a research report discussing the fiscal effects of net and gross proceeds taxation of metal mines and requested a bill on the subject be drafted for their consideration. Lastly, the Committee reserved a part of the meeting -- and will reserve a portion of all future meetings -- for bringing tax complaints. Committee members have received from their constituents to the attention of the Department of Revenue. This new procedure proved very fruitful; the Department agreed to investigate several of these complaints more fully.

COAL TAX OVERSIGHT COMMITTEE

MEETING
HELD

The Coal Tax Oversight Committee held a two-day meeting in Helena, January 27 and 28, to fulfill a number of its oversight functions.

Staff of the alternative energy and renewable resource programs, funded from coal tax revenue, gave status reports on these programs and answered questions on the costs and benefits of the projects. Committee members decided to visit the alternative energy projects in their areas and consider both programs more fully at the next meeting.

JOINT
MEETING WITH
COAL BOARD

The Committee then held a joint meeting with the Coal Board to consider the coal impact grant program. The Committee discussed the recent questions raised about the program and made several suggestions to the Board. The Coal Board announced its decision to fund a study, requested by the Committee, to develop objective criteria for determining coal impact. The Committee and the Board also discussed the ramifications of the possible challenge of the coal severance tax and questioned the governor's counsel on alternate courses of action.

JOINT MEETING
WITH
LEGISLATIVE
FINANCE
COMMITTEE

On Saturday, the Committee met jointly with the Legislative Finance Committee to hear a presentation by the Coal Board on the coal grants. After the meeting, the Oversight Committee issued a statement generally supporting and approving the Coal Board's actions. The statement also expressed the Committee's support for Montana's coal severance and gross proceed taxes and listed the many reasons why the tax is necessary.

The Committee will meet February 13 to continue its study of the best way to invest state trust funds, including the coal tax trust fund, to stimulate housing and to help young farmers and business people get a start.

ENVIRONMENTAL QUALITY COUNCIL

BPA
HEARINGS

Senator Terry Murphy, EQC Chairman, testified February 1 at hearings in Billings on the Bonneville Power Administration's future role in energy development in the Pacific Northwest. Senator Murphy recommended that a draft environmental impact statement on the subject be supplemented with an analysis of how a larger BPA role could affect traditional state power plant siting authority and how it might affect coal development and construction of power plants in eastern Montana and Wyoming.

MEPA

The EQC staff is researching and formulating plans for a mechanism to strengthen and improve the Montana Environmental Policy Act (MEPA). It is planned to hold meetings with state agencies responsible for writing environmental impact statements, as well as meetings with industry representatives and private environmental organizations. EQC's goal is to adopt, as a result of these meetings, such measures that will improve the intent, purposes, and procedures set forth in the Act.

NSF GRANT

At the present time EQC is proceeding with the development of the NSF grant to produce a Science & Technology capability for the Legislature. In connection with the grant, a questionnaire was sent to each of the legislators asking them to list areas where additional information will be beneficial in drafting legislation. At the end of January EQC had received 12 responses.

If you have any questions concerning environmental or natural resources issues, give us a call and we'll do our best to get you some answers.

LEGISLATIVE AUDIT COMMITTEE

MEETING

The Legislative Audit Committee will meet February 22 at the State Capitol.

Reports to be presented to the committee are: Center for the Aged; Eastern Montana College; Review of Expenditures in excess of Appropriations for Certain State Agencies#; Department of Community Affairs, Human Resources Division, Review of Certain Travel and Administrative expenses#; Department of Labor and Industry, Labor Standards Division, Human Rights Division, Personnel Appeals Division#; Department of Professional and Occupational Licensing, Review of Expenditure Abatements#; Department of Social and Rehabilitation Services, Review of the operations of the Medicaid Program#. (#Audits conducted by the Legislative Auditor. Other audits were conducted by Certified Public Accountant Firms.)

REPORTS AVAILABLE

Copies of all revised audit reports are available from the office of the Legislative Auditor, Room 135, State Capitol, Telephone 449-5122.

LEGISLATIVE FINANCE COMMITTEE

MEETING

The Legislative Finance Committee met January 2d at the State Capitol.

COAL TAX

The Committee met in joint session with the Coal Tax Oversight Committee to hear a presentation from the Coal Board concerning grants made for local impact. The discussion centered on whether adequate criteria were being applied by the Coal Board in allocating funds to the impact area. The Department of Community Affairs is preparing suggested guidelines in allocating future impact monies.

GENERAL FUND STATUS

The Fiscal Analyst's Office presented a status report on general fund revenues through the first half of the fiscal year. Revenues are slightly above executive and legislative projections, but beginning FY-78 surplus was below estimates. A major cloud in the revenue picture is the uncertainty of coal tax litigation which could serve to escrow coal revenues.

UNIVERSITY
OF MONTANA

The Committee heard a report from the "Students for Justice" which explained students' views of the "academic impact" of staff reductions at the university of Montana. The committee asked that its staff work with the executive budget office and the chair of key unit's staff to develop other options for formula budgeting, enrollment averaging and other definitions of continuing education. The Committee also asked that Fiscal Analyst staff work with the other groups including student representatives to determine the parameters of the present situation.

BUDGET
AMENDMENTS

The staff presented a summary of additional expenditures authorized by the executive budget office beyond the amounts appropriated by the 45th legislature. As of January 17, 1978, amendments totaling \$7,896,426 have been approved.

REPORTS
AVAILABLE

Copies of staff reports and committee minutes are available from the Office of the Legislative Fiscal Analyst, State Capitol, phone 449-2986.

LEGISLATIVE CONSUMER COMMITTEE

MEETING
HELD

The Legislative Consumer Committee had a regular meeting on January 24, 1978. Among other decisions, the committee voted to amend the agency's appropriation to finance anticipated functions of the office for the balance of the fiscal year.

A comprehensive annual report of the activities of the office of Consumer Counsel for the calendar year 1977 has been prepared. Copies are available upon request.

CONSUMER
COUNSEL TO
INTERVENE

The Consumer Counsel was instructed to intervene in F.P.C. License Readjustment Proceeding #5 involving annual charges that Montana Power Company must pay the Confederated Kootenai and Salish Tribes for the use of their lands occupied and impounded by Kerr Dam. Since the current application by the Confederated Tribes may increase the annual charge to approximately \$8 million effective retroactively to 1965 (all of which would be an assignable expense for the purpose of electric utility rate-making), the Committee decided that the proceedings had sufficient implications for utility customers to justify supporting the utility's position in this case.

Because some utilities have, in the past, asked the Committee to order the Consumer Counsel to withdraw from some cases, the Committee adopted a policy not to hold special meetings at the request of any regulated company. However, special meetings may be held at the request of a majority of Committee members.

COMMITTEE ON INDIAN LEGAL JURISDICTION

MEETING DATES TO BE SET

February 16 has been set as the tentative date of public hearing in Browning on the Blackfeet Reservation. Representative Leo Kennerly reports that the Blackfeet Tribal Council has set up a special committee to work on hearing arrangements and agenda. All legislators will receive notice of this hearing as soon as all pertinent information is available.

Representative Kennerly also met with tribal leaders of the Fort Peck Reservation to discuss arrangements and agenda for a hearing on that reservation.

Representative Jay Fabrega, who is working on arrangements for the Rocky Boy and Fort Belknap hearings, envisions back-to-back hearings in late March or early April for those reservations.

RECAP OF THE TIME AND WORK LOAD OF THE 1977 LEGISLATIVE SESSION

DID YOU KNOW --

That the longest floor session lasted 11 hr. 13 min. in the Senate on the 89th day and 16 hr. 45 min. in the House on the 90th day?

(
That the Senate spent a total of 255 hr. 22 min. in the 90 days in session on the floor (or 32 eight-hour days)?

That the House spent a total of 342 hr. in the 90 days in session on the floor (or 43 eight-hour days)?

That the day of heaviest work load on the floor in the Senate was the 63rd day -- 9 standing committee reports, 42 bills on 2nd reading and 21 bills on 3rd reading?

That the House's heaviest work load on the floor was the 83rd day -- 5 standing committee reports, 103 bills on 2nd reading, 61 bills on 3rd reading and 16 bills on Committee of the Whole?

The number of bills referred to each standing committee?

Senate	Committee	House
77	Agriculture	49
76	Approp./Fin. & Clangs	100
107	Business & Industry	143
66	Education	37
34	Fish & Game	35
52	Highways	52
173	Judiciary	195
49	Labor & Emp. Relations	53
57	Local Government	57
56	Natural Resources	129
74	Public Health	61
156	State Administration	172
152	Taxation	160

